

CITY OF BELMONT

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, MAY 1, 2007, 7:00 PM

Acting Chair Frautschi called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers. He announced that Chair Parsons was absent because his father had recently passed away.

1. ROLL CALL

Commissioners Present: Frautschi, Horton, Mayer, McKenzie, Wozniak
Commissioners Absent: Parsons, Mercer

Staff Present: Community Development Director de Melo, Associate Planner Walker (AP), Contract Planner Ouse (CP), Zoning Technician Gill (ZT), City Attorney Zafferano (CA), Recording Secretary Flores (RS).

2. AGENDA AMENDMENTS - None

Acting Chair Frautschi announced that he had received a request to continue item 6A, 1000 O'Neill Avenue, so that all Commissioners are present for the discussion of that item.

Motion: By Commissioner Wozniak, seconded by Commissioner McKenzie, to continue Item 6A to the Tuesday, May 15th meeting. Motion passed 5/0 by voice vote.

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR - None

5. OLD BUSINESS:

5A. Review of Rear Elevation Deck Plan – 820 Anita Avenue

ZT Gill summarized the staff memorandum, recommending approval.

Motion: By Commissioner Horton, seconded by Commissioner McKenzie. to adopt the resolution approving a Final Elevation/Deck Plan for 820 Anita Avenue as revised (Appl. No. 2006-0026)

Ayes: Horton, McKenzie, Mayer, Wozniak, Frautschi
Noes: None
Absent: Parsons, Mercer

Motion passed 5/0/2

5B. Revised Resolution and Conditions of Approval - 1015 Alameda de las Pulgas - Hola's Restaurant

AP Walker summarized the staff Memorandum, recommending approval of the Conditional Use Permit application, subject to the conditions of approval.

Wozniak asked that Condition 7 be amended to state specific hours for daytime and nighttime hours as specified in the City's Noise Ordinance.

Referring to page 3 of the Resolution, Commissioner McKenzie noted that it refers to "live music consisting of mariachi players" and the applicant has asked that other types of entertainment be included. It was agreed that all references to "mariachi players" in the Resolution should be changed to read "live musical entertainment."

Commissioner Horton suggested that Item 1 in the Conditions of Approval relating to construction activities be deleted.

Richard Beal, applicant, was in favor of the resolution being changed to read "live musical entertainment," but stated that occasionally he might have a problem with providing 5 days notice prior to utilizing the floating holidays.

Commissioner Wozniak suggested that the conditions be changed to state "live unamplified music," and that the applicant appreciate that this restaurant is located in a residential neighborhood as opposed to the commercial district where his Burlingame restaurant is located. She added the comment that patrons of the restaurant, including several Commissioners, complain that the music in the restaurant is too loud, making it impossible to hold a conversation.

Commissioner Mayer was in favor of dropping the requirement for a 5-day advance notice as he did not believe it was necessary or reasonable. Commissioners McKenzie and Horton concurred.

Acting Chair Frautschi concurred with the previous comments, adding under Condition 11 that a copy of the Conditions should also be on file with the Carlmont management.

Discussion ensued regarding the necessity of restricting the music to "unamplified," with the majority of Commissioners feeling that enforcement of the Noise Ordinance would take care of the matter.

Motion: By Commissioner Mayer, seconded by Commissioner McKenzie, to adopt the resolution approving a Conditional Use Permit to allow a Cabaret use consisting of live mariachi music at 1015 Alameda de las Pulgas (Appl. No. PA2006-0093), with the following changes: 1) substitution of "live musical entertainment" for "mariachi music" throughout, 2) Condition 7 be changed to read "8:00 a.m. to dusk, dusk to 8:00 a.m.," 3) Condition 8 be changed to eliminate the requirement for 5 days notification of floating days, 4) Condition 11 be changed to include a sentence reading "Such Conditions of Approval shall be also be filed with the Carlmont Shopping Center management." and 5) the deletion of Condition 1 referring to construction activities.

Ayes: Mayer, McKenzie, Horton

Noes: Wozniak, Frautschi

Absent: Parsons, Mercer

Motion passed 3/2/2

CA Zafferano stated for the record that this decision is appealable to the City Council within 10 calendar days.

5C. Final Landscape Plan – 2847 San Juan Boulevard

AP Walker summarized the staff memorandum, recommending approval of the revised Landscape Plan as attached.

Patrick Flanders, applicant/architect for the project, asked that the Commission approve the plan as presented.

Commissioners suggested to the applicant that some of the plants listed are not deer-resistant, particularly the Maples. Nancy Higgins, landscape consultant, agreed to change them to the heritage trees. Rosemary and Creeping Fig were also suggested as deer-resistant options.

MOTION: By Commissioner McKenzie, seconded by Commissioner Mayer, to adopt the resolution approving a Final Landscape Plan for 2847 San Juan Boulevard (Appl. No. 2002-0054).

Ayes: McKenzie, Mayer, Horton, Wozniak, Frautschi
Noes: None
Absent: Parsons, Mercer

Motion passed 5/0/2

Acting Chair Frautschi commented that this item is not appealable.

5D. 877 Ralston Avenue – Revised Landscape, Site and Lighting Plan

CP Ouse summarized the staff memorandum, recommending approval of the Site, Landscape and Lighting plans as proposed, and that the final lighting details be revised per staff's recommendations and be deferred to an Administrative Design Review approval.

Staff responding to questions from the Commission as follows:

- Drainage is not indicated on the landscaping plan but there is an existing underground storm drain between the buildings that does not affect the landscaping design or plan.
- The irrigation plan has been designed and looks appropriate for the type and amount of proposed landscaping. Pots on Ralston will have some sort of drip irrigation. A condition could be added to specify that they require final irrigation plans to accommodate those pots along Ralston.
- The Brisbane Box tree has been a typical street tree found in Belmont, and the street tree standards would require that a root barrier be included.
- There is a separate application for signage.
- Most existing landscaping will be removed. The large tree in the middle of the parking lot is not a heritage tree and did not require a tree removal permit; however, a previous condition of approval from the September resolution required payment for the removal of a heritage tree that had been there previously, so there will be some compensation associated with the removal of the large tree.
- There is no pedestrian pass-through from the parking lot of this building to the adjacent parking lot.
- The Brisbane Box is not out of character with other street trees proposed along Ralston or the El Camino Real corridor. It is fast growing and if pruned appropriately can create a wide canopy that one would envision along the Grand Boulevard and would be compatible with the final plan for the Ralston corridor.
- The trash enclosure will be reached by the truck driving through the one-way entrance into the parking lot and pickups are typically before business hours.
- Quantities are drawn on the plans and will be finalized at the time of issuance of the building permit

Peter Jordan, an owner of the building, addressed the Commission and stated that they agree with all of the recommendations staff has proposed. Responding to Acting Chair Frautschi's concerns about vandalism associated with the use of pots in a high traffic area, Mr. Jordan said that they thought they were accommodating the Commission's request at the last hearing, and that they would be willing to take the Commission's suggestion as to a tree to replace the 4 Brazilian Pepper trees. Acting Chair Frautschi suggested that staff look at the Safeway plan for evergreen substitutions. Mr. Jordan stated that the family inherited the property from their deceased father, and that Dr. Jadallah is also a partner in the ownership. There will no longer be medical offices in the building; they are hoping to attract retail tenants. They plan to come back with a different light fixture that is appropriate with the Downtown Specific Plan and the signage application will not be submitted until they know who some of the tenants will be.

MOTION: By Commissioner McKenzie, seconded by Commissioner Mayer, to close the public hearing. Motion passed by voice vote.

Commissioner McKenzie felt that it would be impossible for a trash collection truck to make the turn back in the corner, and that the handicap parking space appears to be sticking out into the right-of-way.

Regarding the trash enclosure, Commissioner Horton stated that the container could be rolled to wherever the truck is located so that it should access for the truck should not be a problem. Staff added that no deliveries would be on Ralston; other deliveries would be from in the parking lot

Commissioner Wozniak felt it would be nice for pedestrian flow to have a pass-through from this property to the next and she would like to see an itemized list of plants.

Acting Chair Frautschi would prefer that the trash enclosure was located closer to Emmett. He would like to see the plan for lighting fixtures, and would like staff to work with the applicant to come up with a better tree than the Brazilian Pepper. He wished there were more trees in the center of the parking lot and questioned the use of so many pots in front.

Acting Chair Frautschi read the proposed resolution into the record since it was not included in the staff report:

MOTION: By Acting Chair Frautschi, seconded by Commissioner McKenzie, adopting the Resolution approving Final Landscape/Site/Lighting Plans for 873-877 Ralston (Appl. No. PA2006-0036), with the added condition that the pots on Ralston Avenue will have some sort of drip irrigation system and will be well secured. Tree species, plant legend, and lighting fixtures will be handled as typical administrative approvals.

Ayes: Frautschi, McKenzie, Horton, Mayer, Wozniak

Noes: None

Absent: Parsons, Mercer

Motion passed 5/0/2

Acting Chair Frautschi called for a 2-minute break.

6. PUBLIC HEARINGS:

6A. PUBLIC HEARING – 1000 O’Neill Avenue (Continued from April 3, 2007 Commission Meeting)
To consider a Conceptual Development Plan (CDP) and Rezone to establish a Planned Development (PD) Zoning District, and certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for relocation and rehabilitation of the historic Emmett House. The Emmett House is proposed to relocate from a commercial site at 843 Ralston to a vacant site at 1000 O’Neill Avenue and be rehabilitated into two below-market rate residential units. Site improvements include construction of a two-car detached garage, landscaping and reconfiguration of Sixth Avenue and abandonment of a portion of O’Neill Avenue to provide additional land area on the project site through the abandonment of excess right-of-way. Belmont Creek meanders through the north half of the site. (Appl. No. 2006-0090)

Current Zoning: R-1B (Single-Family Residential); Proposed Zoning: (PD) Planned Development

APN: 045-181-230, 260, & 280; CEQA Status: Mitigated Negative Declaration

APPLICANT/OWNER: City of Belmont

PROJECT PLANNER: Andrea Ouse, (650) 333-3973

Item continued to May 15, 2007 meeting (see Item 2, Agenda Amendments, above).

6B. PUBLIC HEARING – Zoning Code Amendments

To consider zone text amendments to Sections 2.16, 8.1.4, 9.6.3, and 23.5.4 of the City of Belmont Zoning Code as follows: the “bedroom” definition, single family residential project threshold for required parking upgrades, alterations/additions to nonconforming structures in the R-1A, R-1B, and R-1C Districts, and allowable signage within Residential Districts. (Appl. No. 2007-0026) CEQA Status: Categorical Exemption per Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment. Applicant: City of Belmont

Project Planner: Carlos de Melo, (650) 595-7440

CDD de Melo summarized the staff report and answered questions from the Commission.

Discussion ensued regarding the proposed amendments, and public testimony was heard as follows:

Tim Hoffman, resident of Miller Avenue, made the following points about the staff report:

- The report is silent on the impact of the new ordinance on street parking in Belmont.
- Of 49 applications for single-family home additions, only 6, or about 12%, were for additions under 600-sq.ft. and did not trigger the 2-car garage requirement.
- The report does not contain any commentary from the public, if any, that may have been provided to the City with respect to the new ordinance to date.
- The report does not contain any feedback concerning the ordinances from petitioners seeking design review or permits over the past couple of years.
- The proposed language for the named definition of bedroom is somewhat unclear. His reading of the language would appear to him to preclude a homeowner from having a common floor plan, which would include two living rooms in the form of both a living room and a family room or great room or sitting room, etc. He asked the Commission to consider rewording the bedroom definition such that families can reasonably add to their smaller homes without triggering the two-car garage requirements.
- Home offices would typically fall under the definition of a bedroom with the language as it is and as proposed. He asked the Commission to allow homeowners to more easily add home offices without falling under the bedroom definition since he feels that home offices are a necessity and help keep families together and cars off the street.

Colleen Carter, resident of Ridge Road, described how the proposed bedroom definition could adversely affect any future plans for expansion of her home. She urged the Commission to address the real issues, which she defined as parking, the size of houses and neighborhood character, rather than redefining rooms and forcing people to find ways around the definitions of rooms.

ADDED FROM PREVIOUS SET

Discussion ensued among Commission members.

Commissioner McKenzie questioned the validity of the "bedroom" definition which now triggers an automatic parking upgrade, calling it "convoluted."

Commissioner Mayer agreed, indicating that the original square footage threshold could instead serve the purpose of triggering upgrades, thus allowing homeowners to add family rooms and other additions. He felt that the current "bedroom" definition is arbitrary and unfair to the homeowner making reasonable additions to their property that are clearly not designed to be actual bedrooms.

Commissioner Wozniak disagreed, stating that the definition was necessary to protect against over development and excessive on-street parking, since applicants might disguise actual bedrooms in their proposals as dens, studies, or family rooms. etc.

Acting Chair Frautschi also supported the bedroom definition as written.

The Commission voted on each zone text amendment as follows:

Section 2.16 (Definitions – Bedroom)

Change the recommended text to read "Within such residential structure, any second living or dining room, or any den, study....."

Ayes: Horton, Mayer, Wozniak, Frautschi

Noes: McKenzie

Absent: Parsons, Mercer

Approved: 4/1/2

Commission Mayer added for the record that he disagrees fundamentally with the question of "What is a bedroom?" His "yes" vote is simply referring to the proposed language regarding second rooms.

Section 8.1.4 (Parking – Scope of Regulations)

No change to staff report recommendation.

Ayes: Horton, Mayer, McKenzie, Wozniak, Frautschi
Noes: None
Absent: Parsons, Mercer

Approved: 5/0/2

Section 9.6.3 (Alterations and Additions to Non-Conforming Structures)

Change the recommended text to read: "For purposes of this section, all additions in an R-1A, R-1B, or R-1C District shall conform to current setback or height requirements of the District."

Ayes: Horton, Mayer, McKenzie, Wozniak, Frautschi
Noes: None
Absent: Parsons, Mercer

Approved: 5/0/2

Section 23.5.4 (Special Provisions – Residential Districts – Permitted Signage)

Add new language "to be up to 12 sq.ft. in area and shall otherwise comply with placement requirements in subsection (c) above."

Ayes: Horton, Mayer, McKenzie, Wozniak, Frautschi
Noes: None
Absent: Parsons, Mercer

Approved: 5/0/2

7. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

7A. 2900 Hallmark – 7-Lot Subdivision

Landscape plan for 2996 has been received and will be on the agenda for either May 15 or the first meeting in June.

7B. Avanti Pizza Commercial Center – 2040 Ralston Ave.

He spoke to the property manager. They are in the process of hiring a landscape architect, who will use the old plans as the basis to address concerns related to the ground cover, grass and tree issues.

7C. U-Haul – 530 El Camino Real

As of this week one more code enforcement letter was going out with a 7-day response period before fines will start.

7D. Mid-Peninsula Water District Properties – Folger Drive and Ralston Avenue

He had a meeting with a Planning Commissioner and Water Department Representative. They are looking at some improvements to the Folger site in terms of new landscaping to be added. There was little resolution regarding the Ralston site but there might be changes related to the fencing.

7E. Motel 6

He attended a meeting the previous week with the property owners and they are working on a comprehensive site plan for the entire property. Chief Mattei and other police staff have met with the head of security and the numbers are starting to go down. A representative of the Police Department may attend a future Planning Commission meeting to describe how the security has been going.

7F. NDNU Field Soccer/Lacrosse Field

A task force has been formed to deal with the issues, first meeting to be held by the end of May with a follow-up meeting in July before the soccer season starts in August.

Commissioner Wozniak asked if there has been any code enforcement action on NDNU. CDD de Melo responded that they have been in a holding pattern with them to try to work out some of these issues. He feels it is appropriate to document the issues, try to work on a comprehensive, collaborative solution between the neighbors, staff and NDNU.

Acting Chair Frautschi asked when there will be an update on the Charles Armstrong landscape plan, which was to have been implemented in September 2006. CDD de Melo agreed to follow up.

Commissioner McKenzie happily reported that the dilapidated billboard at the corner of Anita and El Camino has been replaced.

8. CITY COUNCIL MEETING OF TUESDAY, MAY 8, 2007

Liaison: Commissioner Mayer

Alternate Liaison: Commissioner Wozniak

9. ADJOURNMENT:

The meeting was adjourned at 10:00 p.m. to a regular meeting on Tuesday, May 15, 2007, at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.

Please call (650) 595-7416 to schedule an appointment.